

ORDINANCE NO. 1088

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING A BASE ZONE CHANGE (NO. 2008-08) FROM IR, RAIL SERVED INDUSTRIAL, AND IND INDUSTRIAL TO CH COMMERCIAL HIGHWAY/ SPECIFIC PLAN OVERLAY ZONE

WHEREAS, Hallwood Calexico Investments, LLC has filed an application for a zone change from IR, Rail Served Industrial, and IND Industrial to CH, Commercial Highway/ Specific Plan Overlay zone for approximately 232 acres generally located on the southwest quadrant of Jasper Road and Highway 111 and bounded to the south and west by the Dogwood and Central Main Canals further described as APN 059-020-06-01, 059-020-05-01 and 059-010-01-01; and

WHEREAS, the City Council of the City of Calexico has the authority to approve changes to the City's Zoning Map; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 23, 2009, and recommended to the City Council approval of Zone Change No. 2008-08; and

WHEREAS, the City Council held a duly noticed public hearing on May 5, 2009 at which time all interested parties were given an opportunity to address the City Council on these matters; and

WHEREAS, the City Council has considered the staff report and all documents pertaining to this approval and has considered the comments of City staff, City consultants, and any other interested persons.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The City Council has considered and certified proposed Environmental Impact Report No. 2008-07, prior to making a decision to approve the proposed amendment to the Zoning Map.

SECTION 3. WHEREAS, the City Council of the City of Calexico finds that the base Zone Change to Commercial Highway ("CH") is consistent with the policies and goals of the General Plan as amended, and that in accordance with State Planning and Zoning law and the development standards of the City of Calexico Municipal Code, the following findings for the approval of the Zone Change No. 2008-08 have been made:

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1. The proposed Zone Change No. 2008-08 will not be; a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or b) injurious to the property or improvements in the neighborhood or within the City.

The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood and area of the proposed Zone Change. Staff concluded that the project does not propose land uses, densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of this project.

2. The proposed action will be consistent with the Goals, Objectives, and Policies of the General Plan as amended and the development standards established under the Calexico Municipal Code (CMC).

The General Plan which was adopted in May of 2007 includes a residential designation for a portion of the land that encompasses the proposed project. However, the site is currently zoned IR, Rail Served Industrial. The proposed new base zone is CH, Commercial Highway. The proposed zone change is consistent with the General Plan as amended, including the Housing Element (as amended on May 5, 2009) because the City has an inventory of land adequate to accommodate the jurisdiction's share of the regional housing needs for all income levels pursuant to Section 65580 et. seq. of the State Government Code and such inventory does not include the land for this proposed project. Further, the land for the proposed project is not zoned residential and is not designated for residential development in the City's Housing Element.

The proposed zone change complies with the goals and objectives of the General Plan, in that the approval of this zone change will assist in achieving the development of a well-balanced and functional mix of commercial, open space and recreational land uses as well as encouraging commercial land uses to diversify Calexico's economic base. The Specific Plan proposes a land use plan that will regulate future development of diversified and varied commercial and retail uses in the City of Calexico. As such, the project will assist the City in promoting a diversified economic base by attracting new commercial, retail, entertainment, and office uses into the City. With increased commercial development, there will be increased employment opportunities and transition from a predominately agricultural economy to a more urban economy. These diversified commercial uses will respond to equally diversified market demands both in the United States and Mexico.

SECTION 4. The City Council hereby adopts Zone Change No. 2008-08 and the Official Zoning Map of the City shall be amended to reflect Zone Change No. 2008-08, which is hereby incorporated herein by reference, such that the base zone will be Commercial Highway (CH).

SECTION 5. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications therefore which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this ordinance are declared to be severable.

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PASSED, APPROVED AND ADOPTED, at a regular meeting of the City Council of the City of Calexico, California, held on the 5th day of May, 2009.

City of Calexico

LOUIS FUENTES, MAYOR

ATTEST:

LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON, CITY ATTORNEY

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STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS
CITY OF CALEXICO)

I LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, CALIFORNIA DO
HEREBY CERTIFY THAT UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
A TRUE AND CORRECT COPY OF ORDINANCE NO. 1088 THAT WAS DULY AND
REGULARLY INTRODUCED AT A REGULAR MEETING OF SAID CITY COUNCIL
HELD ON _____, 2009 AND WAS ADOPTED BY SAID CITY COUNCIL
AT A REGULAR MEETING HELD ON _____, 2009, BY THE
FOLLOWING VOTE

AYES: Moreno, Ouzan, Fuentes, Romero, Castro.
NOES: None.
ABSENT: None.
ABSTAIN: None.

LOURDES CORDOVA, CITY CLERK

SEAL